
SENATE BILL No. 86

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-8-5.

Synopsis: Sex and violent offender registry. Provides that a person convicted of murder or voluntary manslaughter is required to register as a sex or violent offender only if the person was in the custody of the department of correction or convicted after June 30, 2007. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 86

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-8-5, AS AMENDED BY P.L.216-2007,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 5. (a) Except as provided in section 22 of this
4 chapter, as used in this chapter, "sex or violent offender" means a
5 person convicted of any of the following offenses:
6 (1) Rape (IC 35-42-4-1).
7 (2) Criminal deviate conduct (IC 35-42-4-2).
8 (3) Child molesting (IC 35-42-4-3).
9 (4) Child exploitation (IC 35-42-4-4(b)).
10 (5) Vicarious sexual gratification (including performing sexual
11 conduct in the presence of a minor) (IC 35-42-4-5).
12 (6) Child solicitation (IC 35-42-4-6).
13 (7) Child seduction (IC 35-42-4-7).
14 (8) Sexual misconduct with a minor as a Class A, Class B, or
15 Class C felony (IC 35-42-4-9), unless:
16 (A) the person is convicted of sexual misconduct with a minor
17 as a Class C felony;

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- 1 (B) the person is not more than:
 2 (i) four (4) years older than the victim if the offense was
 3 committed after June 30, 2007; or
 4 (ii) five (5) years older than the victim if the offense was
 5 committed before July 1, 2007; and
 6 (C) the sentencing court finds that the person should not be
 7 required to register as a sex offender.
 8 (9) Incest (IC 35-46-1-3).
 9 (10) Sexual battery (IC 35-42-4-8).
 10 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 11 (18) years of age, and the person who kidnapped the victim is not
 12 the victim's parent or guardian.
 13 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 14 than eighteen (18) years of age, and the person who confined or
 15 removed the victim is not the victim's parent or guardian.
 16 (13) Possession of child pornography (IC 35-42-4-4(c)).
 17 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
 18 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the
 19 victim is less than eighteen (18) years of age.
 20 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
 21 (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less
 22 than eighteen (18) years of age.
 23 (18) Murder (IC 35-42-1-1), **if the person was:**
 24 **(A) in the custody of the department of correction; or**
 25 **(B) convicted;**
 26 **after June 30, 2007.**
 27 (19) Voluntary manslaughter (IC 35-42-1-3), **if the person was:**
 28 **(A) in the custody of the department of correction; or**
 29 **(B) convicted;**
 30 **after June 30, 2007.**
 31 (20) An attempt or conspiracy to commit a crime listed in
 32 subdivisions (1) through (19).
 33 (21) A crime under the laws of another jurisdiction, including a
 34 military court, that is substantially equivalent to any of the
 35 offenses listed in subdivisions (1) through (20).
 36 (b) The term includes:
 37 (1) a person who is required to register as a sex or violent
 38 offender in any jurisdiction; and
 39 (2) a child who has committed a delinquent act and who:
 40 (A) is at least fourteen (14) years of age;
 41 (B) is on probation, is on parole, is discharged from a facility
 42 by the department of correction, is discharged from a secure

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1 private facility (as defined in IC 31-9-2-115), or is discharged
2 from a juvenile detention facility as a result of an adjudication
3 as a delinquent child for an act that would be an offense
4 described in subsection (a) if committed by an adult; and
5 (C) is found by a court by clear and convincing evidence to be
6 likely to repeat an act that would be an offense described in
7 subsection (a) if committed by an adult.
8 (c) In making a determination under subsection (b)(2)(C), the court
9 shall consider expert testimony concerning whether a child is likely to
10 repeat an act that would be an offense described in subsection (a) if
11 committed by an adult.

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